

# United States Court of Appeals For the First Circuit

\_\_\_\_\_  
No. 05-1021

MICHAEL SUBENKO,  
Petitioner, Appellant,  
v.  
COMMONWEALTH OF MASSACHUSETTS, ET AL.,  
Respondents, Appellees.

\_\_\_\_\_  
ORDER OF COURT

Entered: April 11, 2005

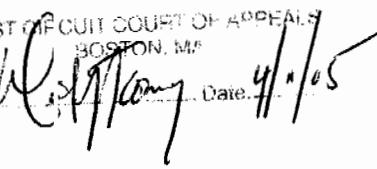
Appellate proceedings are stayed until the district court acts on appellant's Rule 60 motion. If the district court denies that motion, and if appellant wants appellate review of the denial, then appellant must file a timely notice of appeal, which will be consolidated with the present appeal. Appellant shall file a status report every 30 days.

A copy of this order shall be sent to the district court.

By the Court:

CERTIFIED COPY  
HEREBY CERTIFY THIS DOCUMENT  
IS A TRUE AND CORRECT COPY OF  
THE ORIGINAL ON FILE IN MY OFFICE  
AND IN MY LEGAL CUSTODY

FIRST CIRCUIT COURT OF APPEALS  
BOSTON, MA

By:  Date: 4/11/05

Richard Cushing Donovan, Clerk.

MARGARET CARTER

By: \_\_\_\_\_  
Chief Deputy Clerk.

[Certified Copies: Honorable George A. O'Toole, Jr.,  
Sarah A. Thornton, Clerk of the United States District Court of  
Massachusetts]

[cc: Michael A. Subenko, Natalie S. Monroe, AAG]